UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,204	06/27/2003	Roberto J. Bayardo JR.	END920030039	7637

23550 7590 04/09/2007
HOFFMAN WARNICK & D'ALESSANDRO, LLC
75 STATE STREET
14TH FLOOR
ALBANY, NY 12207

EXAMINER	
FRANCIS, MARK P	
ART UNIT	PAPER NUMBER
2193	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/608,204	BAYARDO ET AL.	
	Examiner	Art Unit	
	Mark P. Francis	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 January 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26 and 28-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26,31-33, and 36-39* is/are rejected.

7)☒ Claim(s) *28,34 and 38* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the communication filed on January 04, 2007.

2. Claims 25,32, and 36 have been amended. Claim 27 has been cancelled.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

4. A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Verbeke. (U.S. Pub 2004/0098447)

With respect to claims 1,10, and 15, Verbeke discloses a system for sharing source code over a network, comprising: a code pattern classifier for analyzing source code generated on a sharing node in the network to identify a set of code patterns,(Col 15:0180-0181, "...that share a common set of interests...and access any computer content(code, data, applications,...")
and for assigning at least one predetermined category to the source code based on the identified set of code patterns, wherein code pattern information that is based on the

analysis and assignment is stored in a directory;(Col 17:0188-1089, "...indexing, directory...")

and a source code indexer for selectively indexing the source code. (Col 17:0188, "...indexing, searching...")

With respect to claims 2,11, and 16, the rejection of claims 1,10, and 15 are incorporated respectively and further, Verbeke discloses further comprising notifying a set of other nodes in the network of the availability of the source code. (Col 16:0181-0183, "...peer management functions including access control,...")

With respect to claims 3,12, and 17, the rejection of claims 1,10 and 15 are incorporated respectively and further, Verbeke discloses that the code pattern information comprises the set of code patterns, the at least one category and an identity of the sharing node. .(Col 15:0180-0181, "...that share a common set of interests...and access any computer content(code, data, applications,...")

With respect to claim 4, the rejection of claim 1 is incorporated and further, Verbeke discloses that the selectively indexing step comprises indexing relevant portions of the analyzed source code. (Col 17:0188-1089, "...indexing, directory...")

With respect to claims 5,13, and 18, the rejection of claims 4,10, and 15 are incorporated respectively and further, Verbeke discloses that the program code for

selectively indexing the source code comprises: program code for recognizing at least one programming language of the source code; (Col 18:0200-0202, "...programming languages...")

program code for indexing relevant portions of the source code based on the at least one programming language; (Col 17:0188-1089, "...indexing, directory...")

program code for recognizing and indexing a graph of source code dependencies corresponding to the source code; (Col 27:0292-0295, "...their dependencies...")

program code for recognizing a code type hierarchy associated with the source code; (Col 27:0292-0295, "...their dependencies...")

and program code for indexing a set of code types from the code type hierarchy that is associated with the source code. (Col 27:0292-0295, "...their dependencies...")

With respect to claims 6 and 21, the rejection of claims 5 and 20, are incorporated respectively and further, Verbeke discloses that the source code indexer comprises: a programming language recognizer for recognizing at least one programming language of the source code; (Col 18:0200-0202, "...programming languages...")

a selective code content indexer for indexing relevant portions of the source code based on the at least one programming language; (Col 17:0188-1089, "...indexing, directory...")

a dependency graph indexer for recognizing and indexing a graph of source code dependencies corresponding to the source code; (Col 27:0292-0295, "...their dependencies...")

a code type hierarchy recognizer for recognizing a code type hierarchy associated with the source code; (Col 17:0188-1089, "...indexing, directory...")
and an associated code type indexer for indexing a set of code types from the code type hierarchy that is associated with the source code. (Col 17:0188-1089, "...indexing, directory...")

With respect to claim 7, the rejection of claim 1 is incorporated and further, Verbeke discloses further comprising accessing the source code from a receiving node in the network. (Col 15:0180-0181, "...that share a common set of interests...and access any computer content(code, data, applications,...")

With respect to claims 8,14, and 19, the rejection of claims 7,10 and 15 are incorporated respectively and further, Verbeke discloses that the accessing step comprises:
analyzing working code on the receiving node to identify a context of the working code, and assigning at least one predetermined category to the working code based on the identified context; (Col 17:0188-1089, "...indexing, directory...")
querying the directory to determine a location of the source code; (Col 52:0642-0645, "...query handler...")
and retrieving the source code from the sharing node using the determined location. (Col 17:0189, "...file sharing,...")

With respect to claims 9 and 22, the rejection of claims 1 and 20 are incorporated respectively and further, Verbeke discloses that the network is a peer-to-peer network. (Col 17:0194-0195, "... a P2P system...")

With respect to claims 20,23, and 24, Verbeke discloses a system for selectively indexing source code for sharing over a network,(e.g. See Figs. 2A-2D and related text) comprising: a programming language recognizer for recognizing at least one programming language of the source code; (Col 18:0200-0202, "...programming languages...")

a selective code content indexer for indexing relevant portions of the source code based on the at least one programming language; (Col 14:0198-0199, "...This content may include data...")

a dependency graph indexer for recognizing and indexing a graph of source code dependencies corresponding to the source code; (Col 27:0292-0295, "...their dependencies...")

a code type hierarchy recognizer for recognizing a code type hierarchy associated with the source code;(e.g. See Figs. 5 and 21 and related text) and an associated code type indexer for indexing a set of code types from the code type hierarchy that is associated with the source code. (Col 17:0188-1089, "...indexing, directory...")

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 25-26 and 31-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verbeke. (U.S. Pub 2004/0098447) in view of Ekkel. (U.S. PGPUB 2003/0088571)

With respect to claim 25, Verbeke discloses a method for accessing source code shared over a network, (e.g. See Figs. 2A-2D and related text) comprising: analyzing working code on a receiving node in the network to identify a context of the working code(Col 17:0188-1089, "...indexing, directory...")
and assigning at least one predetermined category to the working code based on the identified context; (Col 52:0642-0645, "...query handler...")

querying a directory using the at least one predetermined category assigned to the working code to identify at least one predetermined category assigned to source code that is relevant to the working code; (Col 17:0188-1089, "...indexing, directory...")
and retrieving the source code from a sharing node in the network to the retrieving node based on the at least one category assigned to the source code.(Col 15:0180-0181,

"...that share a common set of interests...and access any computer content(code, data, applications,...") but does not disclose the retrieving comprising querying a search engine corresponding to the sharing node to retrieve the source code.

Ekkel discloses the retrieving comprising querying a search engine corresponding to the sharing node to retrieve the source code.(Col 1:0010, "...peer-to-peer software applications...") in an analogous system for the purpose of providing a system for securable access to a collection of data across a peer-to-peer data network.(Col 1:0014)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include retrieving that comprises querying a search engine corresponding to the sharing node to retrieve the source code to Verbeke's invention.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a system for securable access to a collection of data across a peer-to-peer data network.(Col 1:0014)

With respect to claim 26, the rejection of claim 25 is incorporated and further, Verbeke discloses that the retrieving step comprises retrieving the source code from the sharing node to the retrieving node upon selection of the at least one category assigned to the

source code. (Col 17:0189, "...directory, storage systems...")

With respect to claim 31, the rejection of claim 25 is incorporated and further, Verbeke discloses that the network is a peer-to-peer network. (Col 17:0194-0195, "... a P2P system...")

With respect to claims 32 and 36, Verbeke discloses a system for accessing source code shared over a network, (e.g. See Figs. 2A-2D and related text) comprising:
a context classifier for analyzing working code on the receiving node to identify a context of the working code, and for assigning at least one predetermined category to the working code based on the identified context; (Col 17:0188-1089, "...indexing, directory...")
a query generator for querying a directory using the at least one predetermined category assigned to the working code to identify at least one predetermined category assigned to source code that is relevant to the working code; (Col 52:0642-0645, "...query handler...")
and a code pattern requestor for retrieving the source code from a sharing node in the network to the receiving node based on the at least one predetermined category assigned to the source code.(Col 15:0180-0181, "...that share a common set of interests...and access any computer content(code, data, applications,...")but does not disclose the code pattern requestor querying a search engine corresponding to the sharing node to retrieve the source code.

Ekkel discloses the code pattern requestor querying a search engine corresponding to the sharing node to retrieve the source code.(Col 1:0010, "...peer-to-peer software applications...") in an analogous system for the purpose of providing a system for securable access to a collection of data across a peer-to-peer data network.(Col 1:0014)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include the code pattern requestor querying a search engine corresponding to the sharing node to retrieve the source code to Verbeke's invention.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a system for securable access to a collection of data across a peer-to-peer data network.(Col 1:0014)

With respect to claims 33 and 37, the rejection of claims 32 and 36 are incorporated respectively and further, Verbeke discloses further comprising a category selector for receiving a response to the query from the directory, (Col 52:0642-0645, "...query handler...")wherein the response includes the at least one predetermined category assigned to the source code, and for selecting the at least one predetermined category assigned to the source code. (Col 17:0188-1089, "...indexing, directory...")

Allowable Subject Matter

8. Claims 28-30, 34-35, and 38-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed January 04, 2007 have been fully considered but they are not persuasive. Following is the Examiner's response to Applicants' arguments.

With respect to claim 1, Applicant essentially argues that Verbeke et al. does not anticipate the features of this claim because Verbeke et al. does not teach or suggest analyzing source code generated on a sharing node in the network to identify a set of code patterns and Verbeke does not teach assigning at least one predetermined category to the source code based on the identified set of code patterns.

In response, the Examiner disagrees, Note Col 16:0180-0181, it is here that Verbeke states that his invention may provide a mechanism through which peers may discover themselves, communicate with each other, and cooperate with each other to form peer groups. Verbeke states that a peer group is a collection of peers connected by a network that share a common set of interests and that have agreed upon a common set of rules to publish, share, and access any computer content that includes application code. In order for the peer group to be formed, it must first analyze source code generated on a sharing node in the network to identify a set of code patterns to

form a peer group of similar interests. In addition, the Examiner Notes Col 16:0181, it is here that Verbeke teaches that peer groups may establish a set of peers and naming within a peer group with mechanisms to create policies membership, advertising, and discovery of other peer groups and nodes. Therefore, Verbeke does disclose analyzing source code generated on a sharing node in the network to identify a set of code patterns and teaches assigning at least one predetermined category to the source code based on the identified set of code patterns.

With respect to claim 20, Applicant argues that Verbeke does not teach recognizing at least one programming language of the source code and indexing relevant portions of the source code based on the at least one programming language.

The Examiner disagrees, Note Col 27:0296-0298, it is here that Verbeke discloses that in order to access a software module another software module may use a discovery process to discover a module implementation advertisement that corresponds to the execution environment of the peer. Later, Verbeke mentions that a software module such as a service may be described with a module specification identifier. The module specification advertisement describes the behavior software module along with describing implementations of the software module for different platforms. In addition, The Examiner Note Col 27:0299-0300, it is here that Verbeke states that once the specification for the software module is located the user or other entity may look for a particular implementation of the software module and then load the

implementation*relevant portions) of the software module according to advertisements for use on the platform and run the software module. Therefore, Verbeke does teach or disclose recognizing at least one programming language of the source code and indexing relevant portions of the source code based on the at least one programming language.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark P. Francis whose telephone number is (571)272-7956. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T.An can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

***

MENG-AL T. AN
SUPERVISORY PATENT
TECHNOLOGY CE

Mark P. Francis

Patent Examiner

Art Unit 2193